

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

STACEY & ERICA TINDALL
SSN: XXX-XX-5053/7210
217 IVY BEND CIRCLE
CLARKSVILLE, TN 37043

Debtors.

)
)
) CHAPTER: 13
) CASE NO.: 15-05917
) JUDGE: HARRISON
)
)
)

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: April 18, 2019.
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: May 1, 2019, at 8:30 a.m. in Courtroom 1,
Customs House, 701 Broadway, Nashville, TN 37203.

NOTICE OF MOTION TO SELL VEHICLE, MODIFY PLAN, AND INCUR CREDIT

Counsel for Debtors has asked the court for the following relief: sell vehicle, modify the plan to lower plan payments, and grant authorization to incur credit for a replacement vehicle.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state that the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding is.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at www.tnmb.uscourts.gov.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: March 28, 2019

Signature: /s/ Mary Beth Ausbrooks
Name: Mary Beth Ausbrooks
Address: 1222 16th Avenue South, Suite 12
Nashville, TN 37212-2926

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IN RE:)	
)	CHAPTER: 13
STACEY & ERICA TINDALL)	CASE NO.: 15-05917
SSN: XXX-XX-5053/7210)	JUDGE: HARRISON
217 IVY BEND CIRCLE)	
CLARKSVILLE, TN 37043)	
)	
Debtors.)	

MOTION TO SELL VEHICLE, MODIFY PLAN, AND INCUR CREDIT

COME THE DEBTORS, through counsel, Rothschild and Ausbrooks, PLLC, and would move for authorization to sell their 2014 Nissan Altima, modify this plan to lower the monthly payments, and incur credit for a replacement vehicle and in support of this motion would state as follows:

1) Debtors move for an order authorizing them to sell their 2014 Nissan Altima for \$5,188.39. The Debtors need a handicap accessible van for their daughter. Their 2014 Nissan Altima is no longer a practical vehicle for their family's needs. The Debtors further move the Court to require the lien-holder on the 2014 Nissan Altima, Insolve Auto Funding, to release its lien on the title and to remit same to the buyer, upon receipt of payment. The buyer shall remit payment directly to Insolve Auto Funding c/o Capital Recovery Group, Dept 3403, P.O. Box 123403, Dallas, TX 75312-3403.

2) The Debtors seeks to modify the Confirmation Order to temporarily suspend the monthly payments required pursuant to 11 U.S.C. 1325 (a)(5) on claims associated with the vehicle until the affected creditors file an amended Proof of Claim, reducing the remaining balance to \$0.00 after processing the proceeds from the sale. The debtors further move to limit the time in which the affected creditors can file an Amended Claim to ninety (90) days after an order is entered granting this motion. Should an Amended Claim not be timely filed, the claims will be deemed to have been satisfied in full and no other payments will be paid on the claims. Debtors propose to grant immediate relief from the stay in favor of the affected creditors to allow them to promptly collect the sale proceeds and to allow the release of the lien on the title. NOTICE IS HEREBY GIVEN THAT INSOLVE AUTO FUNDING C/O CAPITAL RECOVERY GROUP MUST EITHER REJECT THE MODIFIED PLAN OR OBJECT TO THE MOTION TO MODIFY IN WRITING ON OR BEFORE THE RESPONSE DEADLINE. IF INSOLVE AUTO FUNDING C/O CAPITAL RECOVERY GROUP DOES NOT AFFIRMATIVELY REJECT OR OBJECT, ITS SILENCE WILL BE DEEMED AS ACCEPTANCE OF THE PROPOSED MODIFIED PLAN.

3) The Debtors move to modify the plan to a lower amount to allow available funds outside of the plan to purchase a replacement vehicle. Creditors in this plan would not be affected by this modification as the proposed modification would only reduce the Debtors' base by the \$5,188.39 that will no longer be paid in the Debtors' plan.

4) As a result of such modification, the Debtors' plan payments would be reduced from \$806.00 bi-weekly to \$651.00 bi-weekly. The plan would complete over a life of approximately 60 months from confirmation paying general unsecured creditors 20%. The base would be reduced from \$34,767.48 to \$29,579.09 and the unsecured pool would remain \$0.00.

5) Debtors move for authorization pursuant to 11 U.S.C. section 1305(c) to incur credit to finance a replacement vehicle with direct monthly payments of no more than \$600.00 and a principal balance of no more than \$25,000.00.

6) Debtors attach an amended family budget in support of this motion which reflects any changes to income and expenses since the last budget was submitted.

7) Debtors attended the Trustee's Money Management Class on October 13, 2015.

Respectfully submitted,

/s/ Mary Beth Ausbrooks

Mary Beth Ausbrooks

ROTHSCHILD & AUSBROOKS, PLLC

Attorney for Debtor(s)

1222 16th Avenue South, Suite 12

Nashville, TN 37212

(615) 242-3996 (telephone)

(615) 242-2003 (facsimile)

notice@rothschildbklaw.com

cmk

CERTIFICATE OF SERVICE

I certify that on this 28th day of March, 2019, I served a copy of the foregoing in the following manner:

Email by Electronic Case Noticing to:

Asst. U.S. Trustee; Henry E. Hildebrand, III, Chapter 13 Trustee

By U.S. Postal Service, Certified Mail to:

Barclay's Bank Of Delaware

ATTN Officer

PO Box 8803

Wilmington, DE 19899

Capital One Bank USA NA

Bankruptcy Dept. ATTN Officer

P O Box 30281

Salt Lake City, UT 84130

Capital One Bank (USA), N.A.

ATTN Officer
PO Box 71083
Charlotte, NC 28272-1083

CCS/Bryant State Bank

ATTN Officer
500 E. 60th St. N
Sioux Falls, SD 57104

By U.S. Postal Service, postage prepaid to:

ADT Security

ATTN Officer Agent or Manager
3190 S Vaughn Way
Aurora, CO 80014

Advance Financial

ATTN Officer Agent or Manager
850 S Main Street
Ashland City, TN 37015

AFNI

ATTN Officer Agent or Manager
PO Box 3427
Bloomington, IL 61702-3427

American InfoSource LP as agent for

DIRECTV, LLC
PO Box 51178
Los Angeles, CA 90051-5478

AT&T Mobility II LLC

%AT&T SERVICES INC.
KAREN A. CAVAGNARO LEAD PARALEGAL
ONE AT&T WAY, SUITE 3A104
BEDMINSTER, NJ. 07921

Atlas Acquisitions LLC

ATTN Officer Agent or Manager
294 Union St.
Hackensack, NJ 07601

Cerastes, LLC

C O WEINSTEIN & RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121

Clarksville Finance, LLC

ATTN: Amber Keisling
P.O. Box 30235
Clarksville, TN 37040

Credit Central

ATTN Officer Agent or Manager
700 E. North St., Ste. 15
Greenville, SC 29601

Credit Central TN

ATTN Officer Agent or Manager
703 S. Riverside Drive
Clarksville, TN 37040

Credit Management, LP

ATTN Officer Agent or Manager
4200 International Parkway
Carrollton, TX 75007

InSolve Auto Funding, LLC, c/o Capital Recovery Gr

Dept 3403
PO Box 123403
Dallas, TX 75312-3403

MABT/CONTFIN

ATTN Officer Agent or Manager
121 Continental Dr. Ste. 1
Newark, DE 19713

Med Business Bureau

ATTN Officer Agent or Manager
PO Box 1219
Park Ridge, IL 60068

Navient

ATTN Officer Agent or Manager
P.O. Box 9500
Wilkes Barre, PA 18773

Navient Solutions, Inc. on behalf of TSAC

c/o Office of the TN Attorney General
P.O. Box 20207
Nashville, TN, 37202-0207

Pennyrile Collection

ATTN Officer Agent or Manager
P.O. Box 965
Hopkinsville, KY 42241

Planet Home Lending, LLC

ATTN Officer Agent or Manager
321 Research Parkway, Suite 303
Meriden, CT 06450

Porania LLC

ATTN Officer Agent or Manager
P. O. Box 11405
Memphis, TN 38111

Quantum3 Group LLC as agent for

Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

STATE FINANCE

ATTN Officer Agent or Manager
265 DOVER ROAD
CLARKSVILLE TN 37042

T-Mobile

ATTN Officer Agent or Manager
1000 Abernathy, Ste 165
Atlanta, GA 30328

ATTN Officer Agent or Manager
PO Box 78626
Phoenix, AZ 85062-8626

Educational Credit Management Corporation

ATTN Officer Agent or Manager
PO Box 16408
St. Paul, MN 55116-0408

Enhanced Recovery

ATTN Officer Agent or Manager
PO Box 23870
Jacksonville, FL 32241

Federal Financial Services, Inc.

ATTN Officer Agent or Manager
935 North Bridge St
Elkin, NC 28621

Ford Motor Credit

ATTN Officer Agent or Manager
PO Box 6275
Dearborn, MI 48121

FORD MOTOR CREDIT COMPANY LLC

ATTN Officer Agent or Manager
Drawer 55-953, Chapter 13, P.O. Box 55000
Detroit, MI 48255-0953

Fort Campbell Fcu

ATTN Officer Agent or Manager
88 Michigan Ave
Fort Campbell, KY 42223

Ft Campbell Credit Union

ATTN Officer Agent or Manager
2050 Lowes Dr
Clarksville, TN 37040
Multiple Accounts

Green Planet Servicing LLC

ATTN Officer Agent or Manager
3451 Hammond Ave.
Waterloo, IA 50702

ATTN Officer Agent or Manager
1986 Fort Campbell Blvd.
Clarksville, TN 37042

TitleMax of Tennessee, INC. d/b/a TitleMax

ATTN Officer Agent or Manager
15 Bull Street, Suite 200
Savannah, GA 31401

TN Child Support

ATTN Officer Agent or Manager
400 Deadrick St
Nashville, TN 37248

United States Department of Education

Claims Filing Unit
P O Box 8973
Madison, WI 53708-8973

Us Dept Of Ed/glelsi

ATTN Officer Agent or Manager
Po Box 7860
Madison, WI 53707

USA Discounters

Attn: Bankruptcy Dept
PO Box 8008
Virginia Beach, VA 23450

USA Discounters, LTD. D/B/A USA Living

ATTN Officer Agent or Manager
PO Box 41007
Norfolk, VA 23541

Vivint Security

ATTN Officer Agent or Manager
4931 North 300 West
Provo, UT 84604

WebBank/Fingerhut

ATTN Officer Agent or Manager
6250 Ridgewood Road
Saint Cloud, MN 56303

InSolve Auto Funding, LLC , c/o Capital Recovery G

ATTN Officer Agent or Manager
PO Box 64090
Tucson, AZ 85728-4090

/s/ Mary Beth Ausbrooks

Mary Beth Ausbrooks

41 TOTAL USPS MAILINGS: \$41.00

4 TOTAL CERTIFIED MAILINGS: \$12.00

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IN RE:)		
)	CASE NO:	15-05917
Stacey Tindall)	CHAPTER	13
Erica Tindall)	JUDGE	Harrison
Debtor(s))		

AMENDED MONTHLY FAMILY BUDGET

Dates of Budgets:		<u>Prior Budget*</u> <u>9/14/2018</u>	<u>Current Budget*</u> <u>3/27/2019</u>
<u>EXPENSES</u>			
Rent/Mortgage Payment:		\$ 1,587.77	\$ 1,587.77
Utilities:	Prior* Current*		
Electric, heat, natural gas:	\$ 325.00 \$ 325.00		
Water, sewer, garbage:	\$ 60.00 \$ 60.00		
Telephone, cell, internet, cable:	\$ 435.00 \$ 435.00		
Other:	\$ - \$ -		
Other:	\$ - \$ -		
Total Utilities:		\$ 820.00	\$ 820.00
Food:		\$ 1,300.00	\$ 1,300.00
Childcare/Education Costs:		\$ 500.00	\$ 500.00
Clothing / Laundry & Dry Cleaning:		\$ 250.00	\$ 150.00
Personal Care Products & Services:		\$ 200.00	\$ 100.00
Medical & Dental Expenses:		\$ 400.00	\$ 400.00
Transportation:		\$ 550.00	\$ 550.00
Entertainment/Recreation:		\$ -	\$ -
Charity:		\$ -	\$ -
Insurance (not deducted from wages):			
Auto:	\$ 280.00 \$ 217.00		
Life:	\$ - \$ -		
Home:	\$ - \$ -		
Renters:	\$ - \$ -		
Other:	\$ - \$ -		
Total Insurance:		\$ 280.00	\$ 217.00
Taxes (not deducted from wages):		\$ -	\$ -
Child Support:		\$ -	\$ -
Home Maintenance:		\$ 100.00	\$ 100.00
Pet Expenses:		\$ -	\$ -
Car:		\$ -	\$ 600.00
Other:		\$ -	\$ -
Other:		\$ -	\$ -
Other:		\$ -	\$ -
TOTAL MONTHLY EXPENSES:		\$ 5,987.77	\$ 6,324.77

INCOME

	<u>Prior Budget*</u>		<u>Current Budget*</u>	
Debtor's Gross Income:	\$ 6,102.17		\$ 6,297.20	
Spouse's Gross Income:	\$ -		\$ -	
Payroll Deductions:	Prior*	Current*		
Payroll Taxes:	\$ 701.78	\$ 720.33		
401(k) contributions:	\$ 503.11	\$ 598.13		
Insurances:	\$ 379.39	\$ 443.69		
Union:	\$ 44.42	\$ 44.42		
Total Payroll Deductions:			\$ 1,628.70	\$ 1,806.57
Other Regular Income:				
Support Alimony:	\$ -	\$ -		
Pension/SS/VA:	\$ 3,261.10	\$ 3,261.10		
Annuity:	\$ -	\$ -		
Total Other Regular Income:			\$ 3,261.10	\$ 3,261.10
TOTAL MONTHLY INCOME:			\$ 7,734.57	\$ 7,751.73

SUMMARY:

Total Monthly Income (from above):	\$ 7,734.57	\$ 7,751.73
minus Total Monthly Expenses (from page 1):	\$ (5,987.77)	\$ (6,324.77)
equals Monthly Surplus:	\$ 1,746.80	\$ 1,426.96
Monthly Plan Payment:	\$ 1,746.18	\$ 1,410.50
Duration of Plan (months):	0	0
Dividend to Unsecured Creditors (%)	20%	20%
Secured Creditors Affected:		

***Explain any increase or decrease in income, expenses, or dividend that exceeds 10%:**

The Debtors have to reduce some of their household expenses to ensure the affordability of this extremely necessary vehicle.

/s/Stacey Tindall
STACEY TINDALL

March 27, 2019
(Date)

/s/Erica Tindall
ERICA TINDALL

March 27, 2019
(Date)